

DEC 17 2009

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
SOUTHERN UTAH WILDERNESS
ALLIANCE, NATURAL RESOURCES
DEFENSE COUNCIL, and NATIONAL
PARKS CONSERVATION ASSOCIATION,

Petitioners,

DIVISION OF OIL, GAS AND MINING,

Respondent,

ALTON COAL DEVELOPMENT, LLC

Intervenors,

MINUTE ENTRY

Docket No. 2009-019

Cause No. C/025/0005

Pursuant to R645-300-212.100 the Board started its hearing in this matter at its regularly-scheduled December 9, 2009 meeting. The Board addressed preliminary issues including the Petitioners' Request That Alton Coal Development, LLC Permit Entry Upon the Permit Area and Those Parts of the Cumulative Impact Area That the Company Controls (the "Site Visit Motion"). Following oral argument on the Site Visit Motion, the petitioners informed the Board that they were withdrawing that motion. The parties then jointly indicated to the Board that clarification of certain issues pertaining to the scope of the Board's review of the Division's permit decision would allow the parties to better address discovery and generally go forward with this case in a more efficient manner. Based upon input from the parties, the Board set a deadline of December 29, 2009 for the filing of briefs addressing the appropriate scope of the Board's review of the Division's decision in this case. The parties in these briefs should identify

for the Board which scope of review issues they seek clarification on, and should set forth their arguments and analysis of those issues. The parties may also wish to address whether the Board's hearing should be confined to the record of the Division's proceedings or should involve the taking of additional evidence, and what level of deference, if any, the Board should afford the Division's findings and decision.

Issued this 17 day of December, 2009

UTAH BOARD OF OIL, GAS & MINING

A handwritten signature in cursive script, reading "Douglas E. Johnson". The signature is written in dark ink and is positioned above a horizontal line.

Douglas E. Johnson, Chairman

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing Minute Entry to be mailed by first class mail, postage prepaid, the 21 day of December, 2009 to:

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